

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

EDDY H. PAULUS II,

Plaintiff,

v.

HARL, et al.,

Defendants.

1:21-cv-00094-JLT-GSA-PC

**ORDER RE STIPULATION FOR
VOLUNTARY DISMISSAL UNDER RULE
41
(ECF No. 30.)**

**ORDER DIRECTING CLERK TO CLOSE
FILE**

Eddy H. Paulus II (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983 and the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12132 (1994). This case now proceeds with the original Complaint, filed by Plaintiff on January 22, 2022, against sole defendant Bertrand (“Defendant”) for violation of the ADA. On January 31, 2023, the parties filed a stipulation for voluntary dismissal under Rule 41 of the Federal Rules of Civil Procedure. (ECF No. 3.)

Rule 41 provides, in part: “Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary

1 judgment; or (ii) a stipulation of dismissal signed by all parties who have appeared.” Fed. R.
2 Civ. P. 41(a)(1)(A). Here, the parties have filed a stipulation of dismissal, with prejudice, signed
3 by all parties who have appeared in this case, stipulating to the dismissal of this action. (ECF
4 No. 30.) Therefore, the stipulation is effective and this case is dismissed.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The stipulation for voluntary dismissal of this case, signed by Plaintiff and counsel
7 for defendant Bertrand and filed on January 31, 2023 is effective as of the date it
8 was filed;
- 9 2. This case is DISMISSED in its entirety; and
- 10 3. The Clerk of the Court is DIRECTED to close the file in this case and adjust the
11 docket to reflect voluntary dismissal of this action pursuant to Rule 41(a).

12 IT IS SO ORDERED.

13
14 Dated: February 2, 2023

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE